



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,020	07/07/1999	YEHUDA BINDER	BINDER=4	6128

1444 7590 09/08/2003

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

gpl

Office Action Summary

Application No.

09/349,020

Applicant(s)

BINDER, YEHUDA

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-19-03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2635

Examiner's Response

1. In response to applicant's amendment filed 6-19-03, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 33 depend from claim 33 and is therefore incomplete and unclear. For prior art rejections, claim 33 will be considered to depend from claim ³²~~34~~.

Claim Rejections - 35 USC § 102 & 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2635

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 18-33 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Binder (US 5841360).

7. Claims 18-21 and 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Williamson (US 5124990). Regarding claim 18, Williamson discloses a network three nodes 502A/502B/502C and at least two links 510AB/510BC/510CA in fig.

5. Each link has two conductors in col. 4 line 8 and figs.

6/7/8B/9. The links each connect two nodes in fig. 5 and communicate bidirectionally with repeating in one direction at a time in col. 6 corresponding to half duplex. A payload such as solenoid or sensor is included in col. 4 lines 20-32. A node in a data generating mode is discussed in col. 5 lines 40-61. A node in a repeat mode is discussed in col. 6 lines 13-52 and fig. 8B. Regarding claim 19, the repeating nodes discussed above receive a data message and the data messages include a destination identification (DID) in col. 4 line 18 for a destination node in the receiving mode. Regarding claim 20,

Art Unit: 2635

linear topology is provided serial bus of col. 6 line 67 or the configuration in col. 10 lines 46-55. Regarding claim 21, circular topology is provided by the ring in col. 6 line 68. Regarding claim 24-25, the logic means 508 and/or microprocessor 602 function as network controller to select the mode of the node via signals (such as DID) on the network in cols. 4-10. Regarding claim 26, two nodes sequentially selecting generating mode is included in col. 9 lines 11-14. Regarding claim 27, full duplex is provide by the simultaneous transmitting in two directions in col. 5 line 61 and/or the separate lines for each direction in col. 1 lines 38-48. Regarding claim 28, repeater control to repeat in selected direction is included in col. 6 lines 13-52.

8. Claims 18-20 and 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatter (WO 96/379893). Regarding claim 18, Blatter discloses a network three nodes B/C/D in fig. 1 and at least two links 5L/5R in fig. 2. Each link has two conductors 7/9 in fig. 2. The links each connect two nodes in fig. 1 and communicate bidirectionally with repeating in one direction at a time in page 3 line 13 corresponding to half duplex. A payload such as a TV/VCR/CD is included in page 2 line 34. Node B in a data generating mode is discussed in page 3 lines 15-22. Node C in a repeat mode is discussed in page 3

Art Unit: 2635

line 23- page 4 line 3. Regarding claim 19, node D in receiving mode is included in page 4 lines 4-13. Regarding claim 20, linear topology is shown in fig. 1. Regarding claim 24-25, the control 90 function as network controller to select the mode of the node via signals on the network in pages 1-5. Regarding claim 26, two nodes sequentially selecting generating mode is included in page 5 lines 15-22. Regarding claim 27, full duplex is provide by the simultaneous transmitting in two directions and/or the separate lines for each direction in figs. 4-5. Regarding claim 28, repeater control to repeat in selected direction is included in page 3 line 23- page 4 line 3.

9. Claim 22-23 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson (US 5124990) or Blatter (WO 96/379893) as applied above and further in view of Markkula (US 4918690) or Pesetski (US 5680405).

Markkula discloses a network and cell or node 20 with a power supply 30 and coupler (capacitor/transformer) in fig. 2. Pesetski discloses a network with a repeater node 30 in fig. 3 including power supply 90 and couplers (transformers) connecting each receiver and transmitter to a link. See col. 5 line 54 - col. 6 line 9. These networks carry data and power on the links. The couplers provide isolation between the data transmit and receive circuits and the power on the link. Regarding

Art Unit: 2635

claims 22-23, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Williamson or Blatter a power supply in the node receiving power over the network as disclosed in Markkula or Pesetski in order to power the nodes without adding links.

Regarding claims 29-31 it further would have been obvious to have included couplers as disclosed in Markkula or Pesetski to isolate the data transmit/receive circuit from power on the links.

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson (US 5124990) or Blatter (WO 96/379893) as applied above and further in view of Brief (US 5875210) or Caragliano (US 3943283).

Brief discloses a network with repeaters and full duplex communication in col. 9. Caragliano discloses a network with repeaters communicating on a single wire in both directions simultaneously in the abstract and col. 1. This is considered full duplex. If full duplex is not clear in Williamson or Blatter, then it would have been obvious to one of ordinary skill in the art at the time the invention was made to have to have included full duplex as disclosed in Brief or Caragliano to increase data handling capacity.

11. Claim 29-31 are rejected under 35 U.S.C. 103(a) as being

Art Unit: 2635

unpatentable over Williamson (US 5124990) or Blatter (WO 96/379893) in combination with Markkula (US 4918690) or Pesetski (US 5680405) as applied above and further in view of Caragliano (US 3943283). Caragliano discloses a network with each repeater having two directional couplers, one coupler connected to each link for simultaneous communication in both directions for increasing data handling capacity. See the abstract and col. 1. Two couplers, one connected to each link is not clear in the combination applied above then it would have been obvious in view of the directional couplers of Caragliano for simultaneous communication in both directions for increasing data handling capacity.

12. Claim 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson (US 5124990) or Blatter (WO 96/379893) in combination with Markkula (US 4918690) or Pesetski (US 5680405) as applied above and further in view of Caragliano (US 3943283). The nodes of the patents applied above include payload such as the sensor and/or solenoid in col. 4 lines 25-32 of Williamson, but does not specify a payload interface. Abe (US 6075438) discloses a network with interface 14/24/34 connecting payloads to nodes in fig. 1 and col. 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination

Art Unit: 2635

applied above the payload interface of Abe in order to connected the devices or payloads to the node.

Response to Arguments

13. Applicant's arguments with respect to claims 18-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2635

CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is (703) 305-4700.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
9/3/03


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635